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Paper No. 21

In re Application of
Dillis V. Allen
Application No. 09/614,107
Filed: July 12, 2000
Attorney Docket No. G-33

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: DECISION ON PETITION
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This is a decision on the petition filed by facsimile transmission on June 29, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a timely and proper reply to the Office letter dated October 10, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the application is not abandoned because a reply to the Office letter in question was actually filed on November 20, 2003. Petitioner has supported this allegation by furnishing a copy of the reply and a copy of a post card filing receipt for the reply that shows that the reply was in fact received in the Office on November 20, 2003. In addition, the reply has affixed thereto a 37 CFR 1.8(a) certificate of mailing dated November 10, 2003, a date within the period for filing a reply to the Office letter in question. Based upon this evidence, it is clear that this application is not abandoned. In particular, see 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply filed on November 20, 2003, certificate of mailing date November 10, 2003. Thereafter, the application will be forwarded to the examiner for action on the reply.

PETITION GRANTED.

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